

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 322**

Introduced by Speaker Flood, 19; at the request of the Governor;

Read first time January 11, 2007

Committee: Appropriations

A BILL

1 FOR AN ACT relating to state government; to amend sections 47-633  
2 and 66-1345.02, Reissue Revised Statutes of Nebraska,  
3 and sections 47-632, 48-162.02, 55-131, 60-1303, 60-1513,  
4 61-210, 66-1345, 66-1345.01, 66-1345.04, 69-2436,  
5 71-3532, 77-2602, 81-523, 81-5,153, 81-1108.22, and  
6 81-1201.21, Revised Statutes Cumulative Supplement, 2006;  
7 to create, rename, and eliminate funds; to transfer  
8 funds; to change provisions relating to an excise tax  
9 on corn and grain sorghum; to change distribution of  
10 cigarette tax revenue; to harmonize provisions; to  
11 provide operative dates; to repeal the original sections;  
12 to outright repeal sections 84-221, 86-417.01, and  
13 86-417.02, Revised Statutes Cumulative Supplement, 2006;  
14 and to declare an emergency.

LB 322

LB 322

1 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Counsel for Discipline Cash Fund is  
2 created. The fund shall be established within the Nebraska Supreme  
3 Court and administered by the State Court Administrator. The fund  
4 shall consist of a portion of the annual membership dues assessed  
5 by the Nebraska State Bar Association and remitted to the Nebraska  
6 Supreme Court for credit to the fund. The fund shall only be  
7 used to pay the costs associated with the operation of the Office  
8 of the Counsel for Discipline. Any money in the fund available  
9 for investment shall be invested by the state investment officer  
10 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
11 State Funds Investment Act.

12           Sec. 2. (1) The Water Resources Cash Fund is created. The  
13 fund shall be administered by the Department of Natural Resources.  
14 Any money in the fund available for investment shall be invested  
15 by the state investment officer pursuant to the Nebraska Capital  
16 Expansion Act and the Nebraska State Funds Investment Act.

17           (2) The State Treasurer shall credit to the fund such  
18 money as is (a) transferred to the fund by the Legislature, (b)  
19 paid to the state as fees, deposits, payments, and repayments  
20 relating to the fund, both principal and interest, (c) donated as  
21 gifts, bequests, or other contributions to such fund from public or  
22 private entities, (d) made available by any department or agency of  
23 the United States if so directed by such department or agency, and  
24 (e) credited to the fund from the excise taxes imposed by section  
25 66-1345.01 beginning January 1, 2013.

1           (3) The fund shall be expended by the department to aid  
2 compliance efforts regarding the reduction of consumptive uses of  
3 water in regards to programs dealing with those natural resources  
4 districts which are deemed overappropriated by the department  
5 pursuant to section 46-713 or are bound by an interstate compact  
6 or decree. The fund shall not be used to pay for administrative  
7 expenses or any salaries for the department or any political  
8 subdivision.

9           (4) It is the intent of the Legislature that two million  
10 seven hundred thousand dollars be transferred each fiscal year from  
11 the General Fund to the Water Resources Cash Fund for FY2009-10  
12 through FY2018-19.

13           Sec. 3. The Carrier Enforcement Cash Fund is created.  
14 The fund shall be established within the Nebraska State Patrol and  
15 administered by the Superintendent of Law Enforcement and Public  
16 Safety. The fund shall consist of fund transfers made each fiscal  
17 year from the Roads Operations Cash Fund as authorized by the  
18 Legislature through the budget process. The Carrier Enforcement  
19 Cash Fund shall only be used to pay the costs associated with the  
20 operation of the carrier enforcement division of the patrol, except  
21 that the Legislature may authorize fund transfers each fiscal year  
22 through the budget process from the Carrier Enforcement Cash Fund  
23 to the Nebraska Public Safety Communication System Cash Fund to  
24 pay the carrier enforcement division's share of operations costs  
25 of the Nebraska Public Safety Communication System. Any money in

1 the Carrier Enforcement Cash Fund available for investment shall be  
2 invested by the state investment officer pursuant to the Nebraska  
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4       Sec. 4. The Capitol Security Revolving Fund is created.  
5 The fund shall be established within the Nebraska State Patrol  
6 and administered by the Superintendent of Law Enforcement and  
7 Public Safety. The fund shall consist of fund transfers made each  
8 fiscal year from the State Building Revolving Fund, as authorized  
9 by the Legislature through the budget process, and any other  
10 revenue received by the state capitol security division of the  
11 patrol from separate security agreements with state agencies.  
12 The Capitol Security Revolving Fund shall only be used to pay  
13 the non-general-fund costs associated with the operation of the  
14 state capitol security division. Any money in the Capitol Security  
15 Revolving Fund available for investment shall be invested by the  
16 state investment officer pursuant to the Nebraska Capital Expansion  
17 Act and the Nebraska State Funds Investment Act.

18       Sec. 5. The Nebraska Public Safety Communication System  
19 Cash Fund is created. The fund shall be established within the  
20 Nebraska State Patrol and administered by the Superintendent of  
21 Law Enforcement and Public Safety. The fund shall consist of all  
22 revenue credited pursuant to law, including any fund transfers  
23 authorized by the Legislature. The fund shall only be used to  
24 pay the patrol's direct costs related to administering, operating,  
25 and maintaining the Nebraska Public Safety Communication System,

1 except that any unobligated money in the fund may first be used  
2 to reduce the patrol's general fund costs to operate the Nebraska  
3 Public Safety Communication System and if additional unobligated  
4 money in the fund exists, the Legislature may transfer money  
5 from the fund to the State Fire Marshal and the Game and Parks  
6 Commission to reduce the general fund costs to operate the Nebraska  
7 Public Safety Communication System. Any money in the fund available  
8 for investment shall be invested by the state investment officer  
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
10 State Funds Investment Act.

11           Sec. 6. The Nebraska Public Safety Communication System  
12 Revolving Fund is created. The fund shall be established within the  
13 Department of Administrative Services and administered by the Chief  
14 Information Officer. The fund shall consist of retainer-fee revenue  
15 received from state agencies accessing the Nebraska Public Safety  
16 Communication System, as authorized by the Legislature through the  
17 budget process. The fund shall only be used to pay for centralized  
18 direct costs of administering, operating, and maintaining the  
19 Nebraska Public Safety Communication System, including state-owned  
20 towers and network equipment. Any money in the fund available  
21 for investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24           Sec. 7. Section 47-632, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1                   47-632 The Community Corrections Uniform Data Analysis  
2 Cash Fund is created. The ~~executive director of fund shall be~~  
3 established for administrative purposes only within the Nebraska  
4 Commission on Law Enforcement and Criminal Justice ~~shall administer~~  
5 ~~the fund which shall consist of funds collected pursuant to section~~  
6 ~~47-633 and such other funds as the Legislature may direct, and~~  
7 shall be administered by the executive director of the Community  
8 Corrections Council. The fund shall consist of money collected  
9 pursuant to section 47-633. The fund shall only be used to support  
10 operations costs and analysis relating to the implementation and  
11 coordination of the uniform analysis of crime data pursuant to  
12 the Community Corrections Act, including associated information  
13 technology projects, as specifically approved by the executive  
14 director of the Community Corrections Council. Any money in the  
15 fund available for investment shall be invested by the state  
16 investment officer pursuant to the Nebraska Capital Expansion Act  
17 and the Nebraska State Funds Investment Act.

18                   The State Treasurer shall transfer three hundred fifty  
19 thousand dollars from the Community Corrections Uniform Data  
20 Analysis Fund to the Nebraska Law Enforcement Training Center  
21 Cash Fund within five days after July 1, 2005.

22                   Sec. 8. Section 47-633, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24                   47-633 In addition to all other court costs assessed  
25 according to law, a uniform data analysis fee of one dollar shall

1 be taxed as costs for each case filed in each county court,  
2 separate juvenile court, and district court, including appeals to  
3 such courts, and for each appeal and original action filed in the  
4 Court of Appeals and the Supreme Court. The fees shall be remitted  
5 to the State Treasurer on forms prescribed by the State Treasurer  
6 within ten days after the end of each month. The State Treasurer  
7 shall credit the fees to the Community Corrections Uniform Data  
8 Analysis Cash Fund.

9           Sec. 9. Section 48-162.02, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11           48-162.02 (1) The Workers' Compensation Trust Fund is  
12 created. The fund shall be administered by the administrator of the  
13 Nebraska Workers' Compensation Court.

14           (2) The Workers' Compensation Trust Fund shall be used  
15 to make payments in accordance with sections 48-128 and 48-162.01,  
16 and to make legislative fund transfers to the Compensation Court  
17 Cash Fund for the purpose of paying salaries, other benefits, and  
18 administrative expenses of the compensation court relating to the  
19 ~~Workers' Compensation Trust Fund~~. Payments from the fund shall  
20 be made in the same manner as for claims against the state.  
21 The State Treasurer shall be the custodian of the fund and all  
22 money and securities in the fund shall be held in trust by the  
23 State Treasurer and shall not be money or property of the state.  
24 The fund shall be raised and derived as follows: Every insurance  
25 company which is transacting business in this state shall on or

1 before March 1 of each year pay to the Director of Insurance an  
2 amount equal to two percent of the workers' compensation benefits  
3 paid by it during the preceding calendar year in this state.  
4 Every risk management pool providing workers' compensation group  
5 self-insurance coverage to any of its members shall on or before  
6 March 1 of each year pay to the Director of Insurance an amount  
7 equal to two percent of the workers' compensation benefits paid by  
8 it during the preceding calendar year in this state but in no event  
9 less than twenty-five dollars.

10 (3) The computation of the amounts as provided in  
11 subsection (2) of this section shall be made on forms furnished  
12 by the Department of Insurance and shall be forwarded to the  
13 department together with a sworn statement by an appropriate fiscal  
14 officer of the company attesting the accuracy of the computation.  
15 The department shall furnish such forms to the companies and pools  
16 prior to the end of the year for which the amounts are payable  
17 together with any information deemed necessary or appropriate by  
18 the department. Upon receipt of the payment, the director shall  
19 audit and examine the computations to determine that the proper  
20 amount has been paid.

21 (4) The Director of Insurance, after notice and hearing  
22 in accordance with the Administrative Procedure Act, may rescind or  
23 refuse to reissue the certificate of authority of any company or  
24 pool which fails to remit the amount due.

25 (5) The Director of Insurance shall remit the amounts

1 paid to the State Treasurer for credit to the Workers' Compensation  
2 Trust Fund promptly upon completion of the audit and examination  
3 and in no event later than May 1 of the year in which the amounts  
4 have been received, except that (a) when there is a dispute as to  
5 the amount payable, the proceeds shall be credited to a suspense  
6 account until disposition of the controversy and (b) one percent  
7 of the amount received shall be credited to the Department of  
8 Insurance to cover the costs of administration.

9 (6) Every employer in the occupations described in  
10 section 48-106 who qualifies as a self-insurer and who is issued a  
11 permit to self-insure shall remit to the State Treasurer for credit  
12 to the Workers' Compensation Trust Fund an annual amount equal to  
13 two percent of the workers' compensation benefits paid by it during  
14 the preceding calendar year in this state but in no event less than  
15 twenty-five dollars.

16 (7) The amounts required to be paid by the insurance  
17 companies, risk management pools, and self-insurers under  
18 subsections (2) and (6) of this section shall be in addition to  
19 any other amounts, either in taxes, assessments, or otherwise, as  
20 required under any other law of this state.

21 (8) The administrator of the compensation court shall  
22 be charged with the conservation of the assets of the Workers'  
23 Compensation Trust Fund. The administrator may order payments  
24 from the fund for vocational rehabilitation services and costs  
25 pursuant to section 48-162.01 when (a) vocational rehabilitation

1 is voluntarily offered by the employer and accepted by the  
2 employee, (b) the employee is engaged in an approved vocational  
3 rehabilitation plan pursuant to section 48-162.01, and (c) the  
4 employer has agreed to pay weekly compensation benefits for  
5 temporary disability while the employee is engaged in such plan.

6 (9) The Attorney General shall represent the fund when  
7 requested by the administrator in proceedings brought by or against  
8 the fund pursuant to section 48-162.01. The Attorney General shall  
9 represent the fund in all proceedings brought by or against the  
10 fund pursuant to section 48-128. When a claim is made by or against  
11 the fund pursuant to section 48-128, the State of Nebraska shall  
12 be impleaded as a party plaintiff or defendant, as the case may  
13 require, and when so impleaded as a defendant, service shall be had  
14 upon the Attorney General.

15 (10) The Department of Administrative Services shall  
16 furnish monthly to the Nebraska Workers' Compensation Court a  
17 statement of the Workers' Compensation Trust Fund setting forth the  
18 balance of the fund as of the first day of the preceding month,  
19 the income and its sources, the payments from the fund in itemized  
20 form, and the balance of the fund on hand as of the last day of  
21 the preceding month. The State Treasurer may receive and credit to  
22 the fund any sum or sums which may at any time be contributed to  
23 the state or the fund by the United States of America or any agency  
24 thereof to which the state may be or become entitled under any act  
25 of Congress or otherwise by reason of any payment made from the

1 fund.

2 (11) When the fund equals or exceeds two million three  
3 hundred thousand dollars, no further contributions thereto shall  
4 be required by employers, risk management pools, or insurance  
5 companies. Thereafter whenever the amount of the fund is reduced  
6 below one million two hundred thousand dollars by reason of  
7 payments ~~and transfers~~ made pursuant to this section or otherwise  
8 or whenever the administrator of the compensation court determines  
9 that payments ~~and transfers~~ likely to be made from the fund in the  
10 next succeeding year will probably cause the fund to be reduced  
11 below one million two hundred thousand dollars, the administrator  
12 shall notify all self-insurers and the Director of Insurance, who  
13 shall notify all workers' compensation insurance companies and  
14 risk management pools, that such contributions are to be resumed  
15 as of the date set in such notice and such contributions shall  
16 continue as provided in this section after the effective date of  
17 such notice. Such contributions shall continue until the fund again  
18 equals two million three hundred thousand dollars.

19 (12) Any expenses necessarily incurred by the Workers'  
20 Compensation Trust Fund or by the Attorney General in connection  
21 with a proceeding brought by or against the fund may be paid out of  
22 the fund. Such expenses may be taxed as costs and recovered by the  
23 fund in any case in which the fund prevails.

24 Sec. 10. Section 55-131, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1           55-131 The Military Department Cash Fund is created. The  
2 fund shall be administered by the Adjutant General. The fund shall  
3 consist of all nonfederal revenue received by the National Guard  
4 pursuant to this section. The Adjutant General is hereby authorized  
5 to accept by devise, gift, or otherwise and hold, as trustee, for  
6 the benefit and use of the National Guard or any part thereof any  
7 property, real or personal; to invest and reinvest the property;  
8 to collect, receive, and recover the rents, incomes, and issues  
9 from the property; and to expend them as provided by the terms  
10 of the devise or gift, or if not so provided, to expend them  
11 for the benefit and use of the National Guard as he or she in  
12 his or her discretion shall determine, subject to the approval  
13 of the Governor. Except as otherwise provided by law, all other  
14 money received by the National Guard and derived from any other  
15 source shall be remitted to the State Treasurer for credit to the  
16 Military Department Cash Fund. Any money in the fund available  
17 for investment shall be invested by the state investment officer  
18 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
19 State Funds Investment Act.

20           Any money in the Military Department Cash Fund  
21 administered on behalf of the Nebraska Emergency Management Agency  
22 shall be transferred to the Nebraska Emergency Management Agency  
23 Cash Fund as soon as possible after July 1, 2006.

24           Sec. 11. Section 60-1303, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1                   60-1303 (1) The Nebraska State Patrol is hereby  
2 designated as the agency to operate the weighing stations and  
3 portable scales and to perform carrier enforcement duties.

4                   (2)(a) On and after July 20, 2002, officers of the  
5 Nebraska State Patrol appointed to operate the weighing stations  
6 and portable scales and to perform carrier enforcement duties shall  
7 be known as the carrier enforcement division. The Superintendent  
8 of Law Enforcement and Public Safety shall appoint officers of  
9 the Nebraska State Patrol to the carrier enforcement division,  
10 including officers as prescribed in sections 81-2001 to 81-2009,  
11 and carrier enforcement officers as prescribed in sections 60-1301  
12 to 60-1309.

13                   (b) The employees within the Nebraska State Patrol  
14 designated to operate the weighing stations and portable scales  
15 and to perform carrier enforcement duties before July 20, 2002, and  
16 not authorized to act under subdivisions (1) through (8) of section  
17 81-2005 shall be known as carrier enforcement officers.

18                   (3) All carrier enforcement officers shall be bonded or  
19 insured as required by section 11-201. Premiums shall be paid  
20 from the money appropriated for the construction, maintenance, and  
21 operation of the state weighing stations.

22                   (4) All employees of the Nebraska State Patrol who  
23 are carrier enforcement officers and who are not officers of  
24 the Nebraska State Patrol with the powers and duties prescribed  
25 in sections 81-2001 to 81-2009 shall be members of the State

1 Employees Retirement System of the State of Nebraska. Officers of  
2 the Nebraska State Patrol who are carrier enforcement officers on  
3 July 20, 2002, who subsequently become officers of the Nebraska  
4 State Patrol with the powers and duties prescribed in sections  
5 81-2001 to 81-2009, and who elect to remain members of the State  
6 Employees Retirement System of the State of Nebraska shall continue  
7 to participate in the State Employees Retirement System of the  
8 State of Nebraska. Carrier enforcement officers shall not receive  
9 any expense allowance as provided for by section 81-2002.

10 (5) The Nebraska State Patrol and the Department of  
11 Roads shall have the duty, power, and authority to contract with  
12 one another for the staffing and operation of weighing stations  
13 and portable scales and the performance of carrier enforcement  
14 duties to ensure that there is adequate personnel in the carrier  
15 enforcement division to carry out the duties specified in sections  
16 60-1301 to 60-1309. Through June 30, 2005, the number of full-time  
17 equivalent positions funded pursuant to such contract shall be  
18 limited to eighty-eight officers, including carrier enforcement  
19 officers as prescribed in sections 60-1301 to 60-1309 and officers  
20 of the Nebraska State Patrol as prescribed in sections 81-2001 to  
21 81-2009 assigned to the carrier enforcement division. Pursuant to  
22 such contract, command of the personnel involved in such carrier  
23 enforcement operations shall be with the Nebraska State Patrol.  
24 The Department of Roads may use any funds at its disposal for  
25 its financing of such carrier enforcement activity in accordance

1 with such contract as long as such funds are used only to finance  
2 those activities directly involved with the duties specified in  
3 sections 60-1301 to 60-1309. The Nebraska State Patrol shall  
4 account for all appropriations and expenditures related to the  
5 staffing and operation of weighing stations and portable scales  
6 and the performance of carrier enforcement duties in a budget  
7 program that is distinct and separate from budget programs used for  
8 non-carrier-enforcement-division-related activities.

9 (6) The Nebraska State Patrol may adopt, promulgate, and  
10 enforce rules and regulations consistent with statutory provisions  
11 related to carrier enforcement necessary for (a) the collection of  
12 fees, as outlined in sections 60-3,177 and 60-3,179 to 60-3,182  
13 and the International Fuel Tax Agreement Act, (b) the inspection  
14 of licenses and permits required under the motor fuel laws, and  
15 (c) weighing and inspection of buses, motor trucks, truck-tractors,  
16 semitrailers, trailers, and towed vehicles.

17 ~~(7) There is hereby created the Carrier Enforcement Cash~~  
18 ~~Fund which shall be administered by the Nebraska State Patrol and~~  
19 ~~used for the operation of the carrier enforcement division. Any~~  
20 ~~money in the Carrier Enforcement Cash Fund available for investment~~  
21 ~~shall be invested by the state investment officer pursuant to~~  
22 ~~the Nebraska Capital Expansion Act and the Nebraska State Funds~~  
23 ~~Investment Act.~~

24 Sec. 12. Section 60-1513, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1           60-1513 The Department of Motor Vehicles Cash Fund is  
2 hereby created. The fund shall be administered by the Director  
3 of Motor Vehicles. The fund shall be used by the Department of  
4 Motor Vehicles to carry out its duties as deemed necessary by the  
5 Director of Motor Vehicles, except that transfers from the fund to  
6 the General Fund may be made at the direction of the Legislature.  
7 Any money in the Department of Motor Vehicles Cash Fund available  
8 for investment shall be invested by the state investment officer  
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
10 State Funds Investment Act.

11           ~~The State Treasurer shall transfer eighty-two thousand~~  
12 ~~five hundred ninety-five dollars from the Department of Motor~~  
13 ~~Vehicles Cash Fund to the Administrative License Revocation Cash~~  
14 ~~Fund as soon as possible on or after July 1, 2006.~~

15           Sec. 13. Section 61-210, Revised Statutes Supplement,  
16 2006, is amended to read:

17           61-210 The Department of Natural Resources Cash Fund  
18 is created. The State Treasurer shall credit to such fund such  
19 money as is specifically appropriated or reappropriated by the  
20 Legislature. The State Treasurer shall also credit such fund with  
21 payments, if any, accepted for services rendered by the department  
22 and fees collected pursuant to subsection (6) of section 46-606  
23 and section 61-209. The funds made available to the Department  
24 of Natural Resources by the United States, through the Natural  
25 Resources Conservation Service of the Department of Agriculture or

1 through any other agencies, shall be credited to the fund by the  
2 State Treasurer. Any money in the fund available for investment  
3 shall be invested by the state investment officer pursuant to  
4 the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act. The Department of Natural Resources shall allocate  
6 money from the fund to pay costs of the programs or activities  
7 of the department. The Director of Administrative Services, upon  
8 receipt of proper vouchers approved by the department, shall issue  
9 warrants on the fund, and the State Treasurer shall countersign  
10 and pay from, but never in excess of, the amounts to the credit  
11 of the fund. ~~The State Treasurer shall transfer any money in the~~  
12 ~~Department of Water Resources Cash Fund and in the Nebraska Natural~~  
13 ~~Resources Commission Cash Fund on July 1, 2000, to the Department~~  
14 ~~of Natural Resources Cash Fund.~~

15           Sec. 14. Section 66-1345, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17           66-1345 (1) There is hereby created the Ethanol  
18 Production Incentive Cash Fund which shall be used by the board  
19 to pay the credits created in section 66-1344 to the extent  
20 provided in this section. Any money in the fund available for  
21 investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act. The State Treasurer shall transfer to  
24 the Ethanol Production Incentive Cash Fund such money as shall be  
25 (a) appropriated to the Ethanol Production Incentive Cash Fund by

1 the Legislature, (b) given as gifts, bequests, grants, or other  
2 contributions to the Ethanol Production Incentive Cash Fund from  
3 public or private sources, (c) made available due to failure to  
4 fulfill conditional requirements pursuant to investment agreements  
5 entered into prior to April 30, 1992, (d) received as return on  
6 investment of the Ethanol Authority and Development Cash Fund, (e)  
7 credited to the Ethanol Production Incentive Cash Fund from the  
8 excise taxes imposed by section 66-1345.01 through December 31,  
9 2012, and (f) credited to the Ethanol Production Incentive Cash  
10 Fund pursuant to sections 66-489, ~~66-4,134,~~ 66-726, 66-1345.04, and  
11 66-1519.

12 (2) The Department of Revenue shall, at the end of each  
13 calendar month, notify the State Treasurer of the amount of motor  
14 fuel tax that was not collected in the preceding calendar month  
15 due to the credits provided in section 66-1344. The State Treasurer  
16 shall transfer from the Ethanol Production Incentive Cash Fund to  
17 the Highway Trust Fund an amount equal to such credits less the  
18 following amounts:

19 (a) For 1993, 1994, and 1995, the amount generated during  
20 the calendar quarter by a one-cent tax on motor fuel pursuant to  
21 sections 66-489 and 66-6,107;

22 (b) For 1996, the amount generated during the calendar  
23 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
24 sections;

25 (c) For 1997, the amount generated during the calendar

1 quarter by a one-half-cent tax on motor fuel pursuant to such  
2 sections; and

3 (d) For 1998 and each year thereafter, no reduction.

4 For 1993 through 1997, if the amount generated pursuant  
5 to subdivisions (a), (b), and (c) of this subsection and the  
6 amount transferred pursuant to subsection (1) of this section are  
7 not sufficient to fund the credits provided in section 66-1344,  
8 then the credits shall be funded through the Ethanol Production  
9 Incentive Cash Fund but shall not be funded through either the  
10 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
11 thereafter, the credits provided in such section shall be funded  
12 through the Ethanol Production Incentive Cash Fund but shall not be  
13 funded through either the Highway Cash Fund or the Highway Trust  
14 Fund.

15 If, during any month, the amount of money in the Ethanol  
16 Production Incentive Cash Fund is not sufficient to reimburse the  
17 Highway Trust Fund for credits earned pursuant to section 66-1344,  
18 the Department of Revenue shall suspend the transfer of credits by  
19 ethanol producers until such time as additional funds are available  
20 in the Ethanol Production Incentive Cash Fund for transfer to the  
21 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
22 the end of each month, allow transfer of accumulated credits earned  
23 by each ethanol producer on a prorated basis derived by dividing  
24 the amount in the fund by the aggregate amount of accumulated  
25 credits earned by all ethanol producers.

1                   (3) The State Treasurer shall transfer from the Ethanol  
2 Production Incentive Cash Fund to the Management Services Expense  
3 Revolving Fund the amount reported under subsection (4) of section  
4 66-1345.02 for each calendar month of the fiscal year as provided  
5 in such subsection.

6                   (4) On December 31, 2012, the State Treasurer shall  
7 transfer ~~one-half of the unexpended and unobligated funds,~~  
8 including all subsequent investment interest, from the Ethanol  
9 Production Incentive Cash Fund to the ~~Nebraska Corn Development,~~  
10 ~~Utilization, and Marketing Fund and Grain Sorghum Development,~~  
11 ~~Utilization, and Marketing Fund in the same proportion as funds~~  
12 ~~were collected pursuant to section 66-1345.01 from corn and grain~~  
13 ~~sorghum. The Department of Agriculture shall assist the State~~  
14 ~~Treasurer in determining the amounts to be transferred to the~~  
15 ~~funds. The remaining one-half of the unexpended and unobligated~~  
16 ~~funds shall be transferred to the General Fund.~~ Water Resources  
17 Cash Fund.

18                   (5) ~~Whenever~~ Until January 1, 2013, whenever, the  
19 unobligated balance in the Ethanol Production Incentive Cash Fund  
20 exceeds twenty million dollars, the Department of Revenue shall  
21 notify the Department of Agriculture at which time the Department  
22 of Agriculture shall suspend collection of the excise tax levied  
23 pursuant to section 66-1345.01. If, after suspension of the  
24 collection of such excise tax, the balance of the fund falls below  
25 ten million dollars, the Department of Revenue shall notify the

1 Department of Agriculture which shall resume collection of the  
2 excise tax.

3 (6) On or before December 1, 2003, and each December  
4 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
5 Board shall jointly submit a report to the Legislature which shall  
6 project the anticipated revenue and expenditures from the Ethanol  
7 Production Incentive Cash Fund through the termination of the  
8 ethanol production incentive programs pursuant to section 66-1344.  
9 The initial report shall include a projection of the amount  
10 of ethanol production for which the Department of Revenue has  
11 entered agreements to provide ethanol production credits pursuant  
12 to section 66-1344.01 and any additional ethanol production which  
13 the Department of Revenue and the Nebraska Ethanol Board reasonably  
14 anticipate may qualify for credits pursuant to section 66-1344.

15 Sec. 15. Section 66-1345.01, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 66-1345.01 An excise tax is levied upon all corn and  
18 grain sorghum sold through commercial channels in Nebraska or  
19 delivered in Nebraska. For any sale or delivery of corn or grain  
20 sorghum occurring on or after July 1, 1995, and before January  
21 1, 2000, the tax is three-fourths cent per bushel for corn and  
22 three-fourths cent per hundredweight for grain sorghum. For any  
23 sale or delivery of corn or grain sorghum occurring on or after  
24 January 1, 2000, and before January 1, 2001, the tax is one-half  
25 cent per bushel for corn and one-half cent per hundredweight for

1 grain sorghum. For any sale or delivery of corn or grain sorghum  
2 occurring on or after October 1, 2001, and before October 1, 2004,  
3 the tax is one-half cent per bushel for corn and one-half cent per  
4 hundredweight for grain sorghum. For any sale or delivery of corn  
5 or grain sorghum occurring on or after October 1, 2004, and before  
6 October 1, 2005, the tax is three-fourths cent per bushel for corn  
7 and three-fourths cent per hundredweight for grain sorghum. For any  
8 sale or delivery of corn or grain sorghum occurring on or after  
9 October 1, 2005, and before October 1, ~~2010~~, 2012, the tax is  
10 seven-eighths cent per bushel for corn and seven-eighths cent per  
11 hundredweight for grain sorghum. For any sale or delivery of corn  
12 or grain sorghum occurring on or after October 1, 2012, and before  
13 October 1, 2019, the tax is one-half cent per bushel for corn and  
14 one-half cent per hundredweight for grain sorghum. The tax shall  
15 be in addition to any fee imposed pursuant to sections 2-3623 and  
16 2-4012.

17           The excise tax shall be imposed at the time of sale or  
18 delivery and shall be collected by the first purchaser. The tax  
19 shall be collected, administered, and enforced in conjunction with  
20 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax  
21 shall be collected, administered, and enforced by the Department of  
22 Agriculture. No corn or grain sorghum shall be subject to the tax  
23 imposed by this section more than once.

24           In the case of a pledge or mortgage of corn or grain  
25 sorghum as security for a loan under the federal price support

1 program, the excise tax shall be deducted from the proceeds of such  
2 loan at the time the loan is made. If, within the life of the loan  
3 plus thirty days after the collection of the excise tax for corn  
4 or grain sorghum that is mortgaged as security for a loan under  
5 the federal price support program, the grower of the corn or grain  
6 sorghum so mortgaged decides to purchase the corn or grain sorghum  
7 and use it as feed, the grower shall be entitled to a refund of  
8 the excise tax previously paid. The refund shall be payable by the  
9 department upon the grower's written application for a refund. The  
10 application shall have attached proof of the tax deducted.

11           The excise tax shall be deducted whether the corn or  
12 grain sorghum is stored in this or any other state. The excise  
13 tax shall not apply to the sale of corn or grain sorghum to the  
14 federal government for ultimate use or consumption by the people  
15 of the United States when the State of Nebraska is prohibited from  
16 imposing such tax by the Constitution of the United States and laws  
17 enacted pursuant thereto.

18           Sec. 16. Section 66-1345.02, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           66-1345.02 (1) The first purchaser, at the time of sale  
21 or delivery, shall retain the excise tax as provided in section  
22 66-1345.01 and shall maintain the necessary records of the excise  
23 tax for each sale or delivery of corn or grain sorghum. Records  
24 maintained by the first purchaser shall provide (a) the name and  
25 address of the seller or deliverer, (b) the date of the sale or

1 delivery, (c) the number of bushels of corn or hundredweight of  
2 grain sorghum sold or delivered, and (d) the amount of excise  
3 tax retained on each sale or delivery. The records shall be open  
4 for inspection and audit by authorized representatives of the  
5 Department of Agriculture during normal business hours observed by  
6 the first purchaser.

7 (2) The first purchaser shall render and have on file  
8 with the department by the last day of each January, April, July,  
9 and October on forms prescribed by the department a statement of  
10 the number of bushels of corn and hundredweight of grain sorghum  
11 sold or delivered in Nebraska. At the time the statement is filed,  
12 the first purchaser shall pay and remit to the department the  
13 excise tax.

14 (3) The department shall remit the excise tax collected  
15 to the State Treasurer for credit to the Ethanol Production  
16 Incentive Cash Fund within thirty days after the end of each  
17 quarter through December 31, 2012. Beginning January 1, 2013,  
18 the department shall remit the excise tax collected to the State  
19 Treasurer for credit to the Water Resources Cash Fund within thirty  
20 days after the end of each quarter.

21 (4) The department shall calculate its costs in  
22 collecting and enforcing the excise tax imposed by section  
23 66-1345.01 and shall report such costs to the budget division of  
24 the Department of Administrative Services within thirty days after  
25 the end of the fiscal year. Sufficient funds to cover such costs

1 shall be transferred from the Ethanol Production Incentive Cash  
2 Fund to the Management Services Expense Revolving Fund at the end  
3 of each calendar month, with such transfers ending December 31,  
4 2012. Beginning January 1, 2013, the department shall calculate its  
5 costs in collecting and enforcing the excise tax imposed by section  
6 66-1345.01 and shall report such costs to the budget division  
7 of the Department of Administrative Services within thirty days  
8 after the end of the fiscal year. Sufficient funds to cover such  
9 costs shall be transferred from the Water Resources Cash Fund to  
10 the Management Services Expense Revolving Fund at the end of each  
11 calendar month. Funds shall be transferred upon the receipt of  
12 a report of costs incurred by the Department of Agriculture for  
13 the previous calendar month by the Department of Administrative  
14 Services.

15           Sec. 17. Section 66-1345.04, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17           66-1345.04 (1) The State Treasurer shall transfer from  
18 the General Fund to the Ethanol Production Incentive Cash Fund,  
19 on or before the end of each of fiscal years 1995-96 and 1996-97,  
20 \$8,000,000 per fiscal year.

21           (2) It is the intent of the Legislature that the  
22 following General Fund amounts be appropriated to the Ethanol  
23 Production Incentive Cash Fund in each of the following years:

24           (a) For each of fiscal years 1997-98 and 1998-99,  
25 \$7,000,000 per fiscal year;

1 (b) For fiscal year 1999-2000, \$6,000,000;

2 (c) For fiscal year 2000-01, \$5,000,000;

3 (d) For fiscal year 2001-02 and for each of fiscal years  
4 2003-04 through 2006-07, \$1,500,000;

5 (e) For each of fiscal years 2005-06 and 2006-07,  
6 \$2,500,000 in addition to the amount in subdivision (2)(d) of  
7 this section;

8 (f) For fiscal year 2007-08, \$5,500,000;

9 (g) For each of fiscal years 2008-09 through 2011-12,  
10 \$2,500,000; ~~and~~

11 (h) For each of fiscal years 2005-06 and 2006-07,  
12 \$5,000,000 in addition to the other amounts in this section;  
13 and -

14 (i) For fiscal year 2007-08, \$15,500,000 in addition to  
15 the other amounts in this section.

16 Sec. 18. Section 69-2436, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 69-2436 (1) A permit to carry a concealed handgun is  
19 valid throughout the state for a period of five years after the  
20 date of issuance. The fee for issuing a permit is one hundred  
21 dollars.

22 (2) The Nebraska State Patrol shall renew a person's  
23 permit to carry a concealed handgun for a renewal period of five  
24 years, subject to continuing compliance with the requirements of  
25 section 69-2433. The renewal fee is fifty dollars, and renewal may

1 be applied for up to four months before expiration of a permit to  
2 carry a concealed handgun.

3 (3) The applicant shall submit the fee with the  
4 application to the Nebraska State Patrol. The fee shall be remitted  
5 to the State Treasurer for credit to the ~~Public Safety Cash Fund.~~  
6 Nebraska State Patrol Cash Fund.

7 On or before June 30, 2007, the Nebraska State Patrol  
8 shall journal entry, as necessary, all current fiscal year expenses  
9 and revenue, including investment income, from the Public Safety  
10 Cash Fund under the Concealed Handgun Permit Act and recode  
11 them against the Nebraska State Patrol Cash Fund and its program  
12 appropriation.

13 Sec. 19. Section 71-3532, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 71-3532 The Nebraska Emergency Management Agency Cash  
16 Fund is created. The fund shall be administered by the director of  
17 the Nebraska Emergency Management Agency. The fund shall consist  
18 of all non-federal-fund revenue received by the Nebraska Emergency  
19 Management Agency. The fund shall only be used to pay for eligible  
20 costs of the Nebraska Emergency Management Agency. Any money in  
21 the fund available for investment shall be invested by the state  
22 investment officer pursuant to the Nebraska Capital Expansion Act  
23 and the Nebraska State Funds Investment Act.

24 Sec. 20. Section 77-2602, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1           77-2602 (1) Every person engaged in distributing or  
2 selling cigarettes at wholesale in this state shall pay to the  
3 Tax Commissioner of this state a special privilege tax. This shall  
4 be in addition to all other taxes. It shall be paid prior to  
5 or at the time of the sale, gift, or delivery to the retail  
6 dealer in the several amounts as follows: On each package of  
7 cigarettes containing not more than twenty cigarettes, sixty-four  
8 cents per package; and on packages containing more than twenty  
9 cigarettes, the same tax as provided on packages containing not  
10 more than twenty cigarettes for the first twenty cigarettes in each  
11 package and a tax of one-twentieth of the tax on the first twenty  
12 cigarettes on each cigarette in excess of twenty cigarettes in each  
13 package.

14           (2) ~~Commencing July 1, 1994, and continuing until October~~  
15 ~~1, 2004, the State Treasurer shall place the equivalent of~~  
16 ~~twenty-one cents of such tax in the General Fund. Commencing~~  
17 Beginning October 1, 2004, the State Treasurer shall place  
18 the equivalent of forty-nine cents of such tax in the General  
19 Fund. The State Treasurer shall reduce the amount placed in the  
20 General Fund under this subsection by the amount prescribed in  
21 subdivision (3)(d) of this section. For purposes of this section,  
22 the equivalent of a specified number of cents of the tax shall mean  
23 that portion of the proceeds of the tax equal to the specified  
24 number divided by the tax rate per package of cigarettes containing  
25 not more than twenty cigarettes.

1           (3) The State Treasurer shall distribute the remaining  
2 proceeds of such tax in the following order:

3           (a) First, beginning July 1, 1980, the State Treasurer  
4 shall place the equivalent of one cent of such tax in the  
5 Nebraska Outdoor Recreation Development Cash Fund. For fiscal year  
6 distributions occurring after FY1998-99, the distribution under  
7 this subdivision shall not be less than the amount distributed  
8 under this subdivision for FY1997-98. Any money needed to increase  
9 the amount distributed under this subdivision to the FY1997-98  
10 amount shall reduce the distribution to the General Fund;

11           (b) Second, beginning July 1, 1993, the State Treasurer  
12 shall place the equivalent of three cents of such tax in the  
13 Department of Health and Human Services Finance and Support Cash  
14 Fund to carry out sections 81-637 to 81-640. For fiscal year  
15 distributions occurring after FY1998-99, the distribution under  
16 this subdivision shall not be less than the amount distributed  
17 under this subdivision for FY1997-98. Any money needed to increase  
18 the amount distributed under this subdivision to the FY1997-98  
19 amount shall reduce the distribution to the General Fund;

20           (c) ~~Third, beginning July 1, 2001, and continuing until~~  
21 ~~October 1, 2002, the State Treasurer shall place the equivalent of~~  
22 ~~five cents of such tax in the Building Renewal Allocation Fund.~~  
23 ~~Beginning~~ October 1, 2002, and continuing until all the purposes of  
24 the Deferred Building Renewal Act have been fulfilled, the State  
25 Treasurer shall place the equivalent of seven cents of such tax

1 in the Building Renewal Allocation Fund. The Legislature shall  
2 appropriate each fiscal year all sums inuring to the fund, plus  
3 interest earnings, for the Task Force for Building Renewal to be  
4 used to carry out its duties and to fulfill the purposes of the  
5 Deferred Building Renewal Act. Unexpended balances existing at the  
6 end of each fiscal year shall be, and are hereby, reappropriated.  
7 The distribution under this subdivision shall not be less than the  
8 amount distributed under this subdivision for FY1997-98. Any money  
9 needed to increase the amount distributed under this subdivision to  
10 the FY1997-98 amount shall reduce the distribution to the General  
11 Fund;

12 (d) Fourth, until July 1, 2009, the State Treasurer  
13 shall place in the Municipal Infrastructure Redevelopment Fund  
14 the sum of five hundred twenty thousand dollars each fiscal year  
15 to carry out the Municipal Infrastructure Redevelopment Fund Act.  
16 The Legislature shall appropriate the sum of five hundred twenty  
17 thousand dollars each year for fiscal year 2003-04 through fiscal  
18 year 2008-09;

19 (e) Fifth, beginning July 1, 2001, and continuing until  
20 June 30, 2008, the State Treasurer shall place the equivalent of  
21 two cents of such tax in the Information Technology Infrastructure  
22 Fund. The distribution under this subdivision shall not be less  
23 than two million fifty thousand dollars. Any money needed to  
24 increase the amount distributed under this subdivision to two  
25 million fifty thousand dollars shall reduce the distribution to the

1 General Fund;

2 (f) Sixth, beginning July 1, 2001, and continuing until  
3 June 30, 2016, the State Treasurer shall place one million dollars  
4 each fiscal year in the City of the Primary Class Development Fund.  
5 If necessary, the State Treasurer shall reduce the distribution of  
6 tax proceeds to the General Fund pursuant to subsection (2) of this  
7 section by such amount required to fulfill the one million dollars  
8 to be distributed pursuant to this subdivision;

9 (g) Seventh, beginning July 1, 2001, and continuing  
10 until June 30, 2016, the State Treasurer shall place one million  
11 five hundred thousand dollars each fiscal year in the City of  
12 the Metropolitan Class Development Fund. If necessary, the State  
13 Treasurer shall reduce the distribution of tax proceeds to the  
14 General Fund pursuant to subsection (2) of this section by such  
15 amount required to fulfill the one million five hundred thousand  
16 dollars to be distributed pursuant to this subdivision; and

17 (h) Eighth, beginning ~~October 1, 2002, and continuing~~  
18 ~~until October 1, 2004, the State Treasurer shall place the~~  
19 ~~equivalent of twenty-eight cents of such tax in the Cash Reserve~~  
20 ~~Fund. July 1, 2008, and continuing until June 30, 2009, the State~~  
21 Treasurer shall place the equivalent of two million fifty thousand  
22 dollars of such tax in the Nebraska Public Safety Communication  
23 System Cash Fund. Beginning July 1, 2009, and continuing until June  
24 30, 2016, the State Treasurer shall place the equivalent of two  
25 million five hundred seventy thousand dollars of such tax in the

1 Nebraska Public Safety Communication System Cash Fund. Beginning  
2 July 1, 2016, and every fiscal year thereafter, the State Treasurer  
3 shall place the equivalent of five million seventy thousand dollars  
4 of such tax in the Nebraska Public Safety Communication System  
5 Cash Fund. If necessary, the State Treasurer shall reduce the  
6 distribution of tax proceeds to the General Fund pursuant to  
7 subsection (2) of this section by such amount required to fulfill  
8 the distribution pursuant to this subdivision.

9           (4) If, after distributing the proceeds of such tax  
10 pursuant to subsections (2) and (3) of this section, any proceeds  
11 of such tax remain, the State Treasurer shall place such remainder  
12 in the Nebraska Capital Construction Fund.

13           (5) The Legislature hereby finds and determines that the  
14 projects funded from the Municipal Infrastructure Redevelopment  
15 Fund and the Building Renewal Allocation Fund are of critical  
16 importance to the State of Nebraska. It is the intent of the  
17 Legislature that the allocations and appropriations made by the  
18 Legislature to such funds or, in the case of allocations for  
19 the Municipal Infrastructure Redevelopment Fund, to the particular  
20 municipality's account not be reduced until all contracts and  
21 securities relating to the construction and financing of the  
22 projects or portions of the projects funded from such funds or  
23 accounts of such funds are completed or paid or, in the case  
24 of the Municipal Infrastructure Redevelopment Fund, the earlier  
25 of such date or July 1, 2009, and that until such time any

1 reductions in the cigarette tax rate made by the Legislature  
2 shall be simultaneously accompanied by equivalent reductions in  
3 the amount dedicated to the General Fund from cigarette tax  
4 revenue. Any provision made by the Legislature for distribution  
5 of the proceeds of the cigarette tax for projects or programs  
6 other than those to (a) the General Fund, (b) the Nebraska  
7 Outdoor Recreation Development Cash Fund, (c) the Department  
8 of Health and Human Services Finance and Support Cash Fund,  
9 (d) the Municipal Infrastructure Redevelopment Fund, (e) the  
10 Building Renewal Allocation Fund, (f) the Information Technology  
11 Infrastructure Fund, (g) the City of the Primary Class Development  
12 Fund, (h) the City of the Metropolitan Class Development Fund,  
13 and (i) the ~~Cash Reserve Fund~~ Nebraska Public Safety Communication  
14 System Cash Fund shall not be made a higher priority than or an  
15 equal priority to any of the programs or projects specified in  
16 subdivisions (a) through (i) of this subsection.

17           Sec. 21. Section 81-523, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           81-523 (1) For the purpose of maintaining the office of  
20 the State Fire Marshal and such other fire prevention activities as  
21 the Governor may direct, every foreign and alien insurance company  
22 including nonresident attorneys for subscribers to reciprocal  
23 insurance exchanges shall, on or before March 1, pay a tax to  
24 the Director of Insurance of three-fourths of one percent of the  
25 gross direct writing premiums and assessments received by each

1 of such companies during the preceding calendar year for fire  
2 insurance business done in this state.

3 (2) For the purpose set forth in subsection (1) of  
4 this section, every domestic insurance company including resident  
5 attorneys for subscribers to reciprocal insurance exchanges shall,  
6 on or before March 1, pay a tax to the Director of Insurance of  
7 three-eighths of one percent of the gross direct writing premiums  
8 and assessments received by each of such companies during the  
9 preceding calendar year for fire insurance business done in this  
10 state.

11 (3) The term fire insurance business, as used in  
12 subsections (1), (2), and (4) of this section, shall include,  
13 but not be limited to, premiums of policies on fire risks on  
14 automobiles, whether written under floater form or otherwise.

15 (4) Return premiums on fire insurance business, subject  
16 to the fire insurance tax, in accordance with subsections (1)  
17 and (2) of this section, may be deducted from the gross direct  
18 writing premiums for the purpose of the tax calculations provided  
19 for by subsections (1) and (2) of this section. In the case of  
20 mutual companies and assessment associations, the dividends paid  
21 or credited to policyholders or members in this state shall be  
22 construed to be return premiums.

23 (5) Any tax collected pursuant to subsections (1) and (2)  
24 of this section shall be remitted to the State Treasurer for credit  
25 to the General Fund.

1           ~~(6) The State Treasurer shall transfer the entire balance~~  
2 ~~in the Fire Insurance Tax Fund, including any investment income~~  
3 ~~credited to the fund, to the State Fire Marshal Cash Fund, as soon~~  
4 ~~as possible after April 14, 2004.~~

5           Sec. 22. Section 81-5,153, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           81-5,153 The Training Division Cash Fund is created.  
8 Money collected pursuant to section 81-5,152 shall be remitted to  
9 the State Treasurer for credit to the fund. The fund shall be used  
10 for the purpose of administering the training program established  
11 pursuant to sections 81-5,151 to 81-5,157. The fund shall be  
12 administered by the State Fire Marshal. Any money in the fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the  
15 Nebraska State Funds Investment Act.

16           Any money in the State Fire Marshal Cash Fund remitted  
17 for the purpose of administering the training program for fire  
18 department personnel and others involved in fire safety training  
19 for developing and maintaining fire department skills and safety  
20 operations shall be transferred to the Training Division Cash Fund  
21 as soon as possible after April 14, 2004.

22           Sec. 23. Section 81-1108.22, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24           81-1108.22 (1) The division shall have the responsibility  
25 of providing office space in leased and state-owned buildings in

1 the proximity of the State Capitol and in other locations.

2 (2) When any board, agency, commission, or department  
3 of the state government not otherwise specifically authorized by  
4 law desires to use funds available for the purpose of renting  
5 office space outside of the State Capitol, it shall submit a  
6 request to the Director of Administrative Services. If the director  
7 approves the lease, the terms and location shall be approved by the  
8 director and the administrator in writing and the leases shall be  
9 entered into and administered by the administrator on behalf of the  
10 board, agency, commission, or department. A copy of all such lease  
11 contracts shall be kept on file by the state building division  
12 and shall be open to inspection by the Legislature and the public  
13 during normal business hours.

14 (3)(a) The administrator shall develop a system of  
15 charges to cover basic rental, maintenance, renovations, and  
16 operation of such leased and owned properties. The charges to state  
17 agencies, boards, commissions, or departments of state government  
18 shall be paid from funds available for the purpose of renting  
19 space on a regular basis and placed, as applicable, in the State  
20 Building Revolving Fund and the State Building Renewal Assessment  
21 Fund. The administrator shall make payments for basic rentals,  
22 renovations, and maintenance and operational costs of all leased  
23 and owned buildings from the State Building Revolving Fund except  
24 for expenses relating to security provided by the Nebraska State  
25 Patrol as provided in subdivision (b) of this subsection.

1           (b) The State Building Revolving Fund is created. The  
2 fund shall be administered by the administrator. The fund shall  
3 consist of rental charges and other receipts collected pursuant  
4 to contractual agreements between the state building division and  
5 other entities as authorized by law. The fund shall only be used  
6 to support the ~~operations~~ operation of the state building division  
7 as provided by law, except that the Legislature shall make fund  
8 transfers each fiscal year through the budget process from the  
9 State Building Revolving Fund to the Capitol Security Revolving  
10 Fund to help pay non-general-fund costs associated with the  
11 operation of the state capitol security division of the Nebraska  
12 State Patrol. That portion of rental revenue collected from  
13 ~~state-owned or leased buildings and grounds in Lincoln, Nebraska,~~  
14 ~~relating to security assessments shall be administratively~~  
15 ~~transferred from the State Building Revolving Fund to the Nebraska~~  
16 ~~State Patrol Cash Fund on a periodic basis.~~ Any money in the State  
17 Building Revolving Fund available for investment shall be invested  
18 by the state investment officer pursuant to the Nebraska Capital  
19 Expansion Act and the Nebraska State Funds Investment Act.

20           (4) The charges for such leased and owned properties  
21 shall only be adjusted by the administrator on July 1. Prior  
22 to any adjustment in the system of charges, the Department of  
23 Administrative Services, on or before December 1 of the year  
24 preceding the effective date of such adjustment, shall provide  
25 written notification to the Committee on Building Maintenance, the

1 Clerk of the Legislature, and the Legislative Fiscal Analyst of the  
2 proposed adjustment to the system of charges.

3 (5) Commencing on April 18, 1992, all leases of real  
4 property entered into by any state agency, board, commission, or  
5 department shall be subject to this section. Leases held by a  
6 state agency, board, commission, or department on such date shall  
7 be valid until the lease contract is terminated or is subject to  
8 renewal. The division shall monitor all such leases and determine  
9 when the lease is subject to renewal. Once the determination  
10 is made, the division shall cancel the lease as of the renewal  
11 date and shall treat the need of the agency, board, commission,  
12 or department as an original request for space and subject to  
13 this section. This subsection shall not apply to (a) state-owned  
14 facilities to be rented to state agencies or other parties by  
15 the University of Nebraska, the Nebraska state colleges, the  
16 Department of Aeronautics, the Department of Roads, and the Board  
17 of Educational Lands and Funds, (b) facilities to be leased for  
18 use by the University of Nebraska, the Nebraska state colleges,  
19 and the Board of Educational Lands and Funds, (c) facilities to  
20 be leased for nonoffice use by the Department of Roads, or (d)  
21 facilities controlled by the State Department of Education, which  
22 were formerly controlled by the Nebraska School for the Visually  
23 Handicapped, to be rented to state agencies or other parties by the  
24 department.

25 Sec. 24. Section 81-1201.21, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2           81-1201.21 There is hereby created the Job Training Cash  
3 Fund. The fund shall be under the direction of the Department of  
4 Economic Development. Money may be transferred to the fund pursuant  
5 to subdivision (1)(b)(iv) of section 48-621 and from the Cash  
6 Reserve Fund at the direction of the Legislature. The department  
7 shall establish a subaccount for all money transferred from the  
8 Cash Reserve Fund to the Job Training Cash Fund on or after July  
9 1, 2005. Any unexpended ~~and~~ or unobligated balance remaining within  
10 such subaccount on July 1, ~~2007, 2010,~~ shall be transferred by  
11 the State Treasurer to the Cash Reserve Fund no later than July  
12 10, ~~2007. 2010.~~ Any obligated amount not transferred from the  
13 subaccount that remains unexpended on July 1, ~~2008, 2009,~~ shall  
14 be transferred by the State Treasurer to the Cash Reserve Fund no  
15 later than ~~July 10, 2008.~~ December 31, 2011.

16           The department shall use the fund to provide  
17 reimbursements for job training activities, including employee  
18 assessment, preemployment training, on-the-job training, training  
19 equipment costs, and other reasonable costs related to helping  
20 industry and business locate or expand in Nebraska, or to provide  
21 upgrade skills training of the existing labor force necessary to  
22 adapt to new technology or the introduction of new product lines.

23           Any money in the fund available for investment shall be  
24 invested by the state investment officer pursuant to the Nebraska  
25 Capital Expansion Act and the Nebraska State Funds Investment Act.

1           Sec. 25. The State Treasurer shall transfer \$2,700,000  
2 from the General Fund to the Water Resources Cash Fund, on  
3 or before June 30, 2008, on such date as directed by the  
4 budget administrator of the budget division of the Department  
5 of Administrative Services.

6           Sec. 26. The State Treasurer shall transfer \$2,700,000  
7 from the General Fund to the Water Resources Cash Fund, on  
8 or before June 30, 2009, on such date as directed by the  
9 budget administrator of the budget division of the Department  
10 of Administrative Services.

11           Sec. 27. The State Treasurer shall transfer \$5,500,000  
12 from the General Fund to the Ethanol Production Incentive Cash  
13 Fund on or before June 30, 2008, on such date as directed by the  
14 budget administrator of the budget division of the Department of  
15 Administrative Services, pursuant to subdivision (2)(f) of section  
16 66-1345.04.

17           Sec. 28. The State Treasurer shall transfer \$15,500,000  
18 from the General Fund to the Ethanol Production Incentive Cash  
19 Fund on or before June 30, 2008, on such date as directed by the  
20 budget administrator of the budget division of the Department of  
21 Administrative Services, pursuant to subdivision (2)(i) of section  
22 66-1345.04.

23           Sec. 29. The State Treasurer shall transfer \$2,500,000  
24 from the General Fund to the Ethanol Production Incentive Cash  
25 Fund on or before June 30, 2009, on such date as directed by the

1 budget administrator of the budget division of the Department of  
2 Administrative Services, pursuant to subdivision (2)(g) of section  
3 66-1345.04.

4           Sec. 30. The State Treasurer shall transfer the entire  
5 balance in the Community Corrections Uniform Data Analysis Fund,  
6 including any investment income credited to the fund, to the  
7 Community Corrections Uniform Data Analysis Cash Fund, as soon as  
8 possible on or after the operative date of this section.

9           Sec. 31. The State Treasurer shall transfer the entire  
10 balance in the Information Technology Infrastructure Fund,  
11 including any investment income credited to the fund, to the  
12 Nebraska Public Safety Communication System Cash Fund, as soon as  
13 possible on or before July 5, 2009, for FY2009-10.

14           Sec. 32. The State Treasurer shall transfer the entire  
15 balance in the Municipal Infrastructure Redevelopment Fund,  
16 including any investment income credited to the fund, to the  
17 Nebraska Public Safety Communication System Cash Fund, as soon as  
18 possible on or after August 1, 2009.

19           Sec. 33. The State Treasurer shall transfer the entire  
20 balance in the City of the Metropolitan Class Development Fund,  
21 including any investment income credited to the fund, to the  
22 Nebraska Public Safety Communication System Cash Fund, as soon as  
23 possible on or after August 1, 2016.

24           Sec. 34. The State Treasurer shall transfer the entire  
25 balance in the City of the Primary Class Development Fund,

1 including any investment income credited to the fund, to the  
2 Nebraska Public Safety Communication System Cash Fund, as soon as  
3 possible on or after August 1, 2016.

4           Sec. 35. It is the intent of the Legislature  
5 to appropriate \$2,050,000 from the Nebraska Public Safety  
6 Communication System Cash Fund for FY2008-09 to the Nebraska State  
7 Patrol, for Program 850, to aid in carrying out the provisions of  
8 this act.

9           It is the intent of the Legislature to reduce the  
10 General Fund appropriation by \$2,050,000 for FY2008-09 to the  
11 Nebraska State Patrol, for Program 850, to aid in carrying out the  
12 provisions of this act.

13           Sec. 36. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
14 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 31,  
15 32, 33, 34, 35, and 38 of this act become operative on July 1,  
16 2007. Section 40 of this act becomes operative on August 1, 2007.  
17 The other sections of this act become operative on their effective  
18 date.

19           Sec. 37. Original sections 69-2436 and 81-1201.21,  
20 Revised Statutes Cumulative Supplement, 2006, are repealed.

21           Sec. 38. Original sections 47-633 and 66-1345.02, Reissue  
22 Revised Statutes of Nebraska, and sections 47-632, 48-162.02,  
23 55-131, 60-1303, 60-1513, 61-210, 66-1345, 66-1345.01, 66-1345.04,  
24 71-3532, 77-2602, 81-523, 81-5,153, and 81-1108.22, Revised  
25 Statutes Cumulative Supplement, 2006, are repealed.

1                   Sec. 39. The following sections are outright repealed:  
2 Sections 86-417.01 and 86-417.02, Revised Statutes Cumulative  
3 Supplement, 2006.

4                   Sec. 40. The following section is outright repealed:  
5 Section 84-221, Revised Statutes Cumulative Supplement, 2006.

6                   Sec. 41. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.